

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 202004437	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/13/2020 8:36 PM	Location of Incident: Twitter Post	Precinct:	18 Mo. SOL 11/13/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 06/17/2020 9:22 AM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Mon, 06/22/2020 9:22 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Edward Mullins	01771	876768	DBBS OP

Officer(s)	Allegation	Investigator Recommendation
A.SGT Edward Mullins	Off. Language: Sergeant Edward Mullins made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	

Case Summary

On June 17, 2020, § 87(2)(b) and § 87(2)(b) filed this complaint with the CCRB through a letter sent to CCRB Chairman Frederick Davie.

On May 13, 2020, the § 87(2)(b) ran an article describing a dispute between Chief of Department Terence Monahan and § 87(2)(b) at the time, over access to a supply of surgical masks. At 8:36 p.m., Sergeant Ed Mullins, the president of the Sergeants' Benevolent Association (SBA), made a post to the SBA's verified Twitter account, @SBANYPD, commenting on the article. In this post, he referred to § 87(2)(b) as a "bitch" who "has blood on her hands" (**Allegation A: Offensive Language – Gender, § 87(2)(g)**

Due to media attention, this case was added to the agency's list of sensitive cases (Board Review #01-04).

Findings and Recommendations

Allegation (A) Offensive Language: Sergeant Edward Mullins made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

It is undisputed that on May 13, 2020, Sergeant Mullins made a post to the SBA Twitter account in which he shared a link to a New York Post article. The linked article quotes § 87(2)(b) as telling Chief Monahan, "I don't give two rats' asses about your cops" (Board Review #05). Sergeant Mullins then retweeted this post, adding the statement, "Truth is this bitch has blood on her hands but why should anyone be surprised the NYPD has suffered under DeBlasio since he became mayor" (Board Review #06).

The investigation reached out to Sergeant Mullins through his attorney, § 87(2)(b), and offered him an opportunity to make a statement about the incident. § 87(2)(b), § 87(2)(g)

While Sergeant Mullins is the head of the SBA, he is still an active member of the NYPD. He receives an NYPD salary separate from any SBA salary (Board Review #07-08). He is therefore is still subject to the rules and regulations of the Patrol Guide as any other member of the service.

Statements made by public officials involving matters of public concern are accorded First Amendment protections, but these protections are balanced against their government employer's interest in providing public services in an effective manner. Pickering v. Board of Education, 391 U.S. 563 (1968) (Board Review #09).

The effectiveness of a police department depends upon the respect and trust of the community it serves. If a police department treats segments of the community with disrespect based on aspects of their identity, such as their race, religion, gender or sexual orientation, this behavior erodes the relationship of trust and impairs the department's ability to serve the community. Since racist, homophobic or misogynistic statements made by individual officers may harm relations between the police department and the community, these statements are subject to disciplinary actions by the department. Locurto v. Giuliani, 447 F.3d 159, 183 (2d Cir., 2006). Pappas v. Giuliani, 290 F.3d 143 (2d Cir., 2002) (Board Review #10-11).

NYPD Patrol Guide procedure 200-02 states that the Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism and respect. Officers are expected to maintain a higher standard of integrity than is generally expected of others, respect the dignity of each individual and render services with courtesy and civility (Board Review #12).

NYPD Patrol Guide procedure 203-10 states that officers are prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation or disability (Board Review #13).

The term "bitch" is an offensive word based on gender, which officers are not permitted to use. Sergeant Mullins' use of this term towards § 87(2)(b) in social media violates this prohibition and fails to live up to the expectations that officers are held to. Sergeant Mullins' statement is of public concern because his public use of derogatory and sexist language damages the relationship between the NYPD and the community, thereby reducing the NYPD's ability to effectively provide services to the public. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which Dr. § 87(2)(b) or Councilman § 87(2)(b) has been a party (Board Review #14).
- § 87(2)(b)
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- Sergeant Mullins has been a member of the service for 38 years and has been listed as a subject officer in three previous CCRB complaints and three allegations, none of which were substantiated.

Mediation, Civil and Criminal Histories

- This complaint was not eligible for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on September 30, 2020. The results will be included in the case file upon receipt.
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Squad No.: 15

Investigator:	<u>Owen Godshall</u>	<u>Inv. Owen Godshall</u>	<u>10/21/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Simon Wang</u>	<u>IM Simon Wang</u>	<u>01/13/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date